

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

DAVID J. NETKOWICZ : Bankruptcy Case No. 20-10781-TPA
TAMI L. NETKOWICZ : Chapter 13
Debtor(s) :

PLAN CONFIRMATION ORDER

A It is hereby **ORDERED** that with the consent of the Debtor(s), the Chapter 13 Plan dated November 25, 2020, except as modified herein as checked below, is **CONFIRMED** in accord with *11 USC 1325*. On the effective date of this Order, the Chapter 13 Trustee shall pay administrative, secured and priority creditors identified in the Plan. General unsecured creditors will not receive distributions at least until the government bar date has passed and the Chapter 13 Trustee has submitted a *Notice of Intention to Pay Claims* to the Court. Confirmation of this Plan pursuant to this Order is without prejudice to reconsideration following a status conference held by the Chapter 13 Trustee to gauge the progress of Plan implementation which **Status Conference** is scheduled for **June 22, 2021 at 10:00 A.M. remotely by the Trustee via Zoom, how to participate: goto www.ch13pitt.com, meetings@chapter13trusteewdpa.com**, (which may, upon agreement of the Parties, be continued from time to time *provided however* that following the 3rd continuance, the matter shall be set for hearing before the Court), following which time the Plan may be modified to the satisfaction of all Parties after notice and hearing before the Court, or the status conference may be marked closed by the Chapter 13 Trustee.

- ☐ **1.** For the remainder of the Plan term, the periodic Plan payment is to be \$ _____ as of _____. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ **2.** The length of the Plan is increased to a total of ____ months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ **3.** _____ shall be paid monthly payments of \$ _____ beginning with the Trustee's _____ distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ **4.** The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:
- | | |
|-----------------|----------------|
| Claimant: _____ | Claim #: _____ |
| Claimant: _____ | Claim #: _____ |
| Claimant: _____ | Claim #: _____ |
- ☒ **5.** Additional Terms:
- (a) The secured claim of the following Creditor shall govern as to claim amount, to be paid at interest of claim rate in a monthly amount to be determined by the Trustee to pay if full: Lakeview Federal Credit Union (Claim No. 5).
- (b) Americredit Financial Services (Claim No. 8) governs as LTCD.
- (c) Issues about whether Plan's § 1325(b) POT, good faith, and § 1325(a)(4) amount are sufficient are preserved for the status conference. In the event the parties are unable to amicably resolve a dispute over the treatment of Unsecured Creditors in the plan, the issue will be presented to the Court for resolution.
- ☐ **6.** The Confirmation Order dated _____, Doc. _____ is **VACATED**.

B IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

1. Objections to the Plan: This Order is effective as of the date indicated below. Pursuant to *Fed.R.Bankr.P. 2002(b)(3)*, any party in interest with an objection to any provision of this Confirmation Order must file a written objection within the twenty-eight (28) day period following entry of this Order. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this Confirmed Plan. The Trustee may only disburse funds pursuant to this Confirmation Order upon expiration of the foregoing twenty-eight (28) day period.

2. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

3. Review of Claims Docket and Objections to Claims. Pursuant to *LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review all proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely..

4. Motions or Complaints Pursuant to §§506, 507, or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

5. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the Plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

C IT IS FURTHER ORDERED THAT:

1. Plan terms are subject to the resolution of: timely but yet to be filed claims including government claims; all actions to determine the avoidability, priority or extent of liens, including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.

2. Following payment of allowed secured and priority claims, the allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.

3. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

4. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

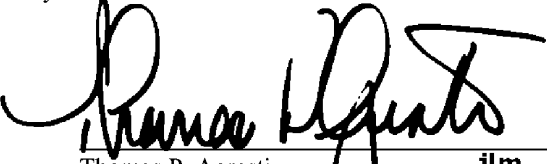
5. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' Counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

6. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

7. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising preconfirmation defaults in any subsequent motion to dismiss.

8. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any secured claim that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: January 15, 2021
(Effective Date)



Thomas P. Agresti jlm
United States Bankruptcy Judge

cc: All Parties in interest to be served by Clerk in seven (7) days

In re:
David J. Netkowicz
Tami L. Netkowicz
Debtors

Case No. 20-10781-TPA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1
Date Rcvd: Jan 15, 2021

User: jmar
Form ID: pdf900

Page 1 of 4
Total Noticed: 41

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 17, 2021:

Recip ID	Recipient Name and Address
db/jdb	David J. Netkowicz, Tami L. Netkowicz, 3012 Oakley Drive, Erie, PA 16506-5906
15315057	+ ACL, 1526 Peach Street, Erie, PA 16501-2110
15315061	+ Citibank, Citicorp Credit Svcs/Centralized Bk dept, Po Box 790034, St Louis, MO 63179-0034
15315062	+ Cleveland Clinic, Attention: Bankruptcy, 9500 Euclid Ave, RK2-4, Cleveland, OH 44195-0001
15315064	++ DSNB MACY S, CITIBANK, 1000 TECHNOLOGY DRIVE MS 777, O FALLON MO 63368-2222 address filed with court:, Department Store National Bank/Macy's, Attn: Bankruptcy, 9111 Duke Boulevard, Mason, OH 45040
15315067	+ First Savings Bank/Blaze, Attn: Bankruptcy, Po Box 5096, Sioux Falls, SD 57117-5096
15315071	+ MetCredit USA, Attn: Bankruptcy Dept, Po Box 1132, Jamestown, NY 14702-1132
15315074	+ Receivables Performance Mgmt, Attn: Bankruptcy, 20818 44th Ave. W, Suite 140, Lynnwood, WA 98036-7709
15315078	Thousand Trails, 2325 US-90, Gautier, MS 39553
15327691	UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
15315080	+ UPMC Health Services, Dist. Room 386, 2 Hot Metal Street, Pittsburgh, PA 15203-2348
15329650	UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123
15315081	UPMC Physician Services, PO Box 371980, Pittsburgh, PA 15250-7980
15315082	+ US Department of HUD, c/o NOVAD Management Consulting LLC, 2401 NW 23rd St., Ste 1A1, Oklahoma City, OK 73107-2448
15315083	+ USAA Federal Savings Bank, Attn: Bankruptcy, 10750 Mcdermott Freeway, San Antonio, TX 78288-1600
15315079	+ United Collection Service, Inc., Attn: Bankruptcy, Po Box 953638, Lake Mary, FL 32795-3638

TOTAL: 16

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM	Jan 16 2021 02:50:00	Americredit Financial Services, Inc. DbA GM Finan, DbA GM Financial, P.O Box 183853, Arlington, TX 76096-3853
cr	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Jan 16 2021 03:12:23	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15321015	Email/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM	Jan 16 2021 02:50:00	Americredit Financial Services, Inc., DbA GM Financial, P.O Box 183853, Arlington, TX 76096
15315058	+ Email/Text: GMFINANCIAL@EBN.PHINSOLUTIONS.COM	Jan 16 2021 02:50:00	AmeriCredit/GM Financial, Attn: Bankruptcy, Po Box 183853, Arlington, TX 76096-3853
15315059	+ Email/Text: bk@avant.com	Jan 16 2021 02:51:00	Avant, Attn: Bankruptcy, Po Box 9183380, Chicago, IL 60691-3380
15315060	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Jan 16 2021 03:12:21	Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
15327086	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Jan 16 2021 03:12:21	Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
15315063	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Jan 16 2021 02:50:00	ComenityCapital/Boscov, Attn: Bankruptcy Dept, Po Box 182125, Columbus, OH 43218-2125
15315065	Email/Text: G06041@att.com		

District/off: 0315-1

User: jmar

Page 2 of 4

Date Rcvd: Jan 15, 2021

Form ID: pdf900

Total Noticed: 41

		Jan 16 2021 02:51:00	Direct TV, 2230 E Imperial Hwy, El Segundo, CA 90245
15316434	Email/Text: G06041@att.com	Jan 16 2021 02:51:00	Directv, LLC, by American InfoSource as agent, PO Box 5072, Carol Stream, IL 60197-5072
15315066	Email/Text: eblymiller@fidelitycollections.com	Jan 16 2021 02:50:00	Fidelity National Collections, Attn: Bankruptcy, 885 South Sawburg Ave, Ste 103, Alliance, OH 44601
15329747	Email/Text: JCAP_BNC_Notices@jcap.com	Jan 16 2021 02:51:00	Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-9617
15315068	+ Email/Text: PBNCNotifications@peritussservices.com	Jan 16 2021 02:50:00	Kohls/Capital One, Attn: Credit Administrator, Po Box 3043, Milwaukee, WI 53201-3043
15321403	+ Email/Text: maryjo@lakeviewfcu.com	Jan 16 2021 02:51:00	LAKEVIEW FEDERAL CREDIT UNION, PO BOX 211, 345 S CHESTNUT ST, JEFFERSON, OH 44047-1348
15315069	+ Email/Text: maryjo@lakeviewfcu.com	Jan 16 2021 02:51:00	Lakeview FCU, 2909 State Road, Ashtabula, OH 44004-5327
15319163	+ Email/Text: maryjo@lakeviewfcu.com	Jan 16 2021 02:51:00	Lakeview Federal Credit Union, 345 S Chestnut Street, Jefferson, OH 44047-1348
15315070	+ Email/Text: Documentfiling@lciinc.com	Jan 16 2021 02:50:00	LendingClub, Attn: Bankruptcy, 595 Market St, Ste 200, San Francisco, CA 94105-2807
15320685	Email/PDF: cbp@onemainfinancial.com	Jan 16 2021 03:12:19	ONEMAIN, P.O. BOX 3251, EVANSVILLE, IN 47731-3251
15315072	+ Email/PDF: cbp@onemainfinancial.com	Jan 16 2021 03:12:19	OneMain Financial, Attn: Bankruptcy, Po Box 3251, Evansville, IN 47731-3251
15315073	Email/Text: Bankruptcy.Notices@pnc.com	Jan 16 2021 02:50:00	PNC Mortgage, Attn: Bankruptcy, Po Box 8819, Dayton, OH 45401
15315075	+ Email/PDF: resurgentbknofications@resurgent.com	Jan 16 2021 03:13:56	Resurgent Capital Services, Attn: Bankruptcy, Po Box 10497, Greenville, SC 29603-0497
15315076	+ Email/PDF: gecsed@recoverycorp.com	Jan 16 2021 03:15:21	Syncb/PPC, Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
15315608	+ Email/PDF: gecsed@recoverycorp.com	Jan 16 2021 03:12:20	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15315077	+ Email/PDF: gecsed@recoverycorp.com	Jan 16 2021 03:15:21	Synchrony Bank/ Old Navy, Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
15316162	Email/PDF: OGCRegionIIIBankruptcy@hud.gov	Jan 16 2021 03:12:21	U.S. Department of Housing and Urban Development, The Wanamaker Building, 11th Floor, 100 Penn Square East, Philadelphia, PA 19107-3380

TOTAL: 25

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		PNC BANK, NATIONAL ASSOCIATION
15315086	*+	ACL, 1526 Peach Street, Erie, PA 16501-2110
15321016	*P++	AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853, address filed with court., Americredit Financial Services, Inc., Dba GM Financial, P.O Box 183853, Arlington, TX 76096
15321017	*P++	AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853, address filed with court., Americredit Financial Services, Inc., Dba GM Financial, P.O Box 183853, Arlington, TX 76096
15327686	*P++	AMERICREDIT FINANCIAL SERVICES DBA GM FINANCIAL, PO BOX 183853, ARLINGTON TX 76096-3853, address filed with court., AmeriCredit Financial Services, Inc., dba GM Financial, P O Box 183853, Arlington, TX 76096
15315087	*+	AmeriCredit/GM Financial, Attn: Bankruptcy, Po Box 183853, Arlington, TX 76096-3853
15315088	*+	Avant, Attn: Bankruptcy, Po Box 9183380, Chicago, IL 60691-3380

District/off: 0315-1

User: jmar

Page 3 of 4

Date Rcvd: Jan 15, 2021

Form ID: pdf900

Total Noticed: 41

15315089	*+	Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
15315090	*+	Citibank, Citicorp Credit Svcs/Centralized Bk dept, Po Box 790034, St Louis, MO 63179-0034
15315091	*+	Cleveland Clinic, Attention: Bankruptcy, 9500 Euclid Ave, RK2-4, Cleveland, OH 44195-0001
15315092	*+	ComenityCapital/Bosco, Attn: Bankruptcy Dept, Po Box 182125, Columbus, OH 43218-2125
15315094	*P++	DIRECTV LLC, ATTN BANKRUPTCIES, PO BOX 6550, GREENWOOD VILLAGE CO 80155-6550, address filed with court:, Direct TV, 2230 E Imperial Hwy, El Segundo, CA 90245
15315093	*P++	DSNB MACY S, CITIBANK, 1000 TECHNOLOGY DRIVE MS 777, O FALLON MO 63368-2222, address filed with court:, Department Store National Bank/Macy's, Attn: Bankruptcy, 9111 Duke Boulevard, Mason, OH 45040
15315095	*P++	FIDELITY NATIONAL COLLECTIONS, 885 S SAWBURG AVE SUITE 103, ALLIANCE OH 44601-5905, address filed with court:, Fidelity National Collections, Attn: Bankruptcy, 885 South Sawburg Ave, Ste 103, Alliance, OH 44601
15315096	*+	First Savings Bank/Blaze, Attn: Bankruptcy, Po Box 5096, Sioux Falls, SD 57117-5096
15315097	*+	Kohls/Capital One, Attn: Credit Administrator, Po Box 3043, Milwaukee, WI 53201-3043
15315098	*+	Lakeview FCU, 2909 State Road, Ashtabula, OH 44004-5327
15315099	*+	LendingClub, Attn: Bankruptcy, 595 Market St, Ste 200, San Francisco, CA 94105-2807
15315100	*+	MetCredit USA, Attn: Bankruptcy Dept, Po Box 1132, Jamestown, NY 14702-1132
15315101	*+	OneMain Financial, Attn: Bankruptcy, Po Box 3251, Evansville, IN 47731-3251
15315102	*P++	PNC BANK RETAIL LENDING, P O BOX 94982, CLEVELAND OH 44101-4982, address filed with court:, PNC Mortgage, Attn: Bankruptcy, Po Box 8819, Dayton, OH 45401
15315103	*+	Receivables Performance Mgmt, Attn: Bankruptcy, 20818 44th Ave. W, Suite 140, Lynnwood, WA 98036-7709
15315104	*+	Resurgent Capital Services, Attn: Bankruptcy, Po Box 10497, Greenville, SC 29603-0497
15315105	*+	Synco/PPC, Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
15315106	*+	Synchrony Bank/ Old Navy, Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
15315107	*	Thousand Trails, 2325 US-90, Gautier, MS 39553
15315109	*+	UPMC Health Services, Dist. Room 386, 2 Hot Metal Street, Pittsburgh, PA 15203-2348
15315110	*	UPMC Physician Services, PO Box 371980, Pittsburgh, PA 15250-7980
15315111	*+	US Deptment of HUD, c/o NOVAD Management Consulting LLC, 2401 NW 23rd St., Ste 1A1, Oklahoma City, OK 73107-2448
15315112	*+	USAA Federal Savings Bank, Attn: Bankruptcy, 10750 Mcdermott Freeway, San Antonio, TX 78288-1600
15315108	*+	United Collection Service, Inc., Attn: Bankruptcy, Po Box 953638, Lake Mary, FL 32795-3638

TOTAL: 1 Undeliverable, 30 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 17, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 15, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bnicholas@kmlawgroup.com
Office of the United States Trustee	ustregion03.pi.ecf@usdoj.gov
Rebeka Seelinger	on behalf of Debtor David J. Netkowicz rebeka@seelingerlaw.com
Rebeka Seelinger	on behalf of Joint Debtor Tami L. Netkowicz rebeka@seelingerlaw.com
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com

District/off: 0315-1

User: jmar

Page 4 of 4

Date Rcvd: Jan 15, 2021

Form ID: pdf900

Total Noticed: 41

TOTAL: 5